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DEPARTMENT FOR WHA/CEN

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SUBJECT: HUMAN RIGHTS UPDATE: JOURNALISTS RELEASED, EMP
DISBANDED, CICIACS REACTION

REF: GUATEMALA 2563

1. (SBU) Summary: Protesting ex-PACs have released four journalists in Huehuetenango, President Portillo presided over a ceremony marking the dissolution of the Presidential Guard (EMP), and the GOG formed a working group to analyze the UN's revised proposal for a Commission to Investigate Clandestine Groups (CICIACS). Our previous report (Ref) on the Ovalle killing was mistaken; his killers have not yet been tried. End Summary.

Ex-PACs Release Hostages

2. (U) On October 28 protesting former civil self defense patrollers (ex-PAC) in Huehuetenango province released four journalists after a tense stand-off that lasted 51 hours. The release came after a GOG negotiating team led by Peace Secretary Catalina Soberanis agreed to process and pay

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(within six days) qualified ex-PAC applicants for their national service during the internal conflict, according to MINUGUA Chief Tom Koenigs and press reporting. (Comment: By insisting that only qualified ex-PAC will be paid, the GOG hopes the incident will not be repeated by unqualified agitators who aspire to GOG compensation. The international community and electoral observers are alert to the possibility of further incidents which could endanger observers. End Comment.)

EMP Dissolved

3. (U) On October 29 President Portillo marked the dissolution of the Presidential Military Guard (EMP) and its replacement with a civilian Secretariat for Administrative Support (SAAS) with a major public address. In his address, Portillo praised the EMP for maintaining a clean record during his tenure, lambasted the economic elite who had manipulated previous governments and the Army in their own private interests, and took a jab at the international community for pressuring the GOG to "run when it is learning to crawl." Speaking without a prepared text, he accused Guatemala's critics in the international community of starting more wars and killing far more people than the Guatemalan Army had. The Ambassador attended this event, but could not bring himself to applaud the President's remarks and left after the President spoke. Human rights leaders and MINUGUA chief Koenigs publicly praised the EMP dissolution, and pledged to monitor the exit (expected January 13) from the SAAS of a team of 30 military security agents guarding Portillo. (Comment: Despite Portillo's disappointing, unpresidential venting, the GOG deserves credit for finally completing a key Peace Accords commitment. While some administrative staff from the EMP remain in the SAAS, and Portillo will retain his inner security team until he leaves office, the bulk of the EMP staff have been replaced by civilians. End Comment.)

Reaction to UN CICIACS Proposal

4. (SBU) Representatives of the MFA, the Human Rights Ombudsman's office, and some human rights leaders met on October 29 to create a working group to discuss the UN's revised CICIACS proposal. While local press emphasized constitutional hurdles to the muscular UN proposal, Helen Mack and Frank La Rue both told the Ambassador and PolOff that they believe the UN proposal is "legally viable," with some clarification, but NGOs will resist any GOG attempt at "half-measures." According to Mario Rene Cifuentes, the MFA's security advisor, FM Gutierrez favors an alternative proposal of creating a national commission as a precursor to an internationally-run CICIACS. The first meeting of the working group will be on November 3, and the MFA will invite the UN to send a representative to that meeting, according to Cifuentes.

Correction: Ovalle Case Update

15. (U) RefTel reported that Ever Lopez Gomez and Billy Rene Barrios were found guilty for the April 29, 2003 murder of Guillermo Ovalle, accountant of the Rigoberta Menchu Foundation, and sentenced to life imprisonment by the first instance court for the crime. That information was incorrect, and derived from an unconfirmed report from a U.S. NGO. The office of the Special Prosecutor for Crimes Against Human Rights Workers told us on October 14 that in fact the court had ruled in September only that the two suspects be tried for homicide. No date has been announced for the trial while judges rule on a request from the Menchu Foundation to become a joint complainant in the case.

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